IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.690 of 2006

Tmt.Ponnammal ... Petitioner

vs.

1. The Secretary to the Government,
Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2. District Magistrate and
District Collector,
Kancheepuram District,
Kancheepuram. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 13.02.2006, BDFGISV No.4/2006 against the petitioner's daughter Panchalai, wife of Pannerselvam, aged about 45 years, who is confined at Central Prison for Women, Vellore, set aside the same and direct the respondents to produce the detenue before this Court and set her at liberty.

For Petitioner : Mr.V. Parthiban

For Respondents : Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor.

(Order of the Court was made by P.SATHASIVAM, J.)

. . . . .

The petitioner herein challenges the impugned order of detention, detaining her daughter by name Panchalai as 'Bootlegger' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was inordinate delay in disposal of the representation of the detenue.

The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenue was received by the Government on 07.04.2006, remarks were called for on 10.04.2006 and the same were received from the Sponsoring Authority on 21.04.2006. Thereafter, File was dealt with by the Under Secretary and Joint Secretary on 24.04.2006. Finally, the Minister for Prohibition and Excise passed orders on 25.04.2006, however, the rejection letter was prepared only on 10.05.2006.

4. As rightly pointed out by the learned counsel for the petitioner, though the competent authority, viz., Minister for Prohibition and Excise, passed orders on 25.04.2006, there is no reason for taking time till 10.05.2006 for preparation of the rejection letter. In the absence of proper explanation, even if we exclude the intervening holidays on Saturday and Sunday, we hold that the delay is on the higher side, which caused prejudice to the detenue in considering her representation effectively. On this ground, the impugned order of detention is quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1. Secretary to Government, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2. The District Collector, Kancheepuram.

3. The Superintendent, Special Prison for Women, Vellore.
(In duplicate for communication to detenue)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

SMV(CO)
SR/22.9.2006 HCP. No.690 of 2006

HIGH COURT OF JUDICATURE MADRAS
सत्यमेव जयते
WEB COPY

https://hcservices.ecourts.gov.in/hcservices/